

REMARKS

Claims 21-40 are pending in the present application and at issue. Claims 26, 27 and 40 have been amended to correct a typographical error.

This paper is filed in response to the Office Action mailed November 30, 2009, which made a restriction requirement between the following groups:

Group I – claims 21-34 directed to a process of producing a fermentation production;
and

Group II – claims 35-40 directed to a process of producing ethanol.
Specifically, the Office Action states that “the inventions listed as Groups I-II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features....” The restriction requirement is respectfully traversed.

Ethanol is an example of a fermentation product, which can be produced according to the invention of Group I. Thus, Groups I and II are related as genus and species, and share the same or corresponding special technical features.

The Office also relies on Lee et al. and Goes et al. as teaching the use of surfactants in a fermentation process. However, neither Lee et al. nor Goes et al. teach Applicants’ claimed invention.

Applicants, therefore, respectfully submit that the restriction requirement is improper, and respectfully request reconsideration and withdrawal of the restriction requirement.

In order to be fully responsive, Applicants hereby elect the invention of Group II, *i.e.*, claims 35-40. Applicants hereby reserve the right to file divisional applications directed to the nonelected subject matter.

The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this response or application.

All required fees were charged to Novozymes North America, Inc.'s Deposit Account No. 50-1701 at the time of electronic filing. The USPTO is authorized to charge this Deposit Account should any additional fees be due.

Respectfully submitted,

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